

REMARKS

Applicant hereby responds to the Office Action of May 20, 2008, in the above-referenced patent application. Attached hereto are the following additional documents: one terminal disclaimer. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

Claims 1-27 are pending in the above-referenced patent application. Claims 1, 11, and 21 are independent.

Claims 1, 6-7, 9-11, 16-17, 19-21, 23-24 and 26-27 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting. Claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,133,847 (“Yang”) in view of U.S. Patent No. 6,523,696 (“Saito”).

Claims Amendments

Independent claims 1, 11 and 21 have been amended for clarification. No new matter has been added by way of these amendments.

Double Patenting

Claims 1, 6-7, 9-11, 16-17, 19-21, 23-24 and 26-27 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 6 and 11-13 of copending Application No. 09/592,598. By way of this reply, a terminal disclaimer in

compliance with 37 CFR 1.321(c) is submitted, rendering the rejection moot.

Rejection under 35 U.S.C. 103

Rejection of the claims 1-27 is respectfully traversed because, for at least the following reasons, the references, whether considered separately or in combination, do not show or suggest all of the claimed limitations.

According to MPEP §2142

[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that ‘rejections on obviousness cannot be sustained with mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.’ *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 550 U.S. at ___, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Further, according to MPEP §2143, “[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1395-1397 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper “functional approach” to the determination of obviousness as laid down in *Graham*.” And, according to MPEP §2143.01, [o]bviousness can be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Further, “[t]he mere fact that references can be combined or modified does not render the

resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art.” *KSR International Co. v. Teleflex, Inc.* 550 U.S. ___, ___, 82 USPQ2d 1385, 1396 (2007). Additionally, according to MPEP §2143

[a] statement that modification of the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish *prima facie* case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Pat. App. & Inter. 1993).

The claimed invention is directed to user interfaces in a network. Independent claims 1, 11, and 21 each require, in part, dynamically obtaining information from devices currently connected to a first network and second network upon connection, the information including graphical and/or textual information; dynamically generating a user interface description from the obtained information, the user interface description including: at least one graphical and/or textual reference of the devices that are currently connected to the first and second networks; and displaying a top level user interface from the user interface description on a device connected to the network capable of displaying user interfaces. The information obtained from the devices is dynamically obtained directly from the devices and the display of the user interface is dynamically generated.

By contrast, Yang and Saito, whether considered separately or in combination, fail to show or suggest at least the above-mentioned limitations.

Yang discloses a remote control device that downloads information for devices the remote control operates to control. The download of information by Yang occurs a single time (Yang, column 4, lines 38-46). In Yang, the information obtained from a device is downloaded and stored on the remote control itself. Additionally, Yang only connects to a first network when obtaining the device information. Once the remote control in Yang obtains the information, all created user interfaces for the devices will be static. Therefore, Yang does not teach, disclose or suggest *dynamically* obtaining information from said first devices currently connected to the first network *upon connection to the first network*, said information including graphical and/or textual information; (b) *dynamically* obtaining information from the interface device about the second devices connected to the second network *upon connection to the second network*, said information including graphical and/or textual information; (c) *dynamically* generating a user interface description from the obtained information.

Saito discloses a collecting unit collects device information and equivalent information is then sent to a second network by a notifying unit. Saito teaches that the information about the home automation network 212 is stored in the configuration ROM of the PC 210. Information about different appliances is stored in different sections in the configuration ROM. For example, information about the air conditioner service is stored in the configuration ROM at section 235, and information about the microwave oven is stored in the configuration ROM at section 236 (see, e.g., col. 21, lines 50-60 of Saito). Thus, Saito fails to show or suggest at least the above-mentioned claimed limitations: “*dynamically* obtaining information from said first devices currently connected to the first network *upon connection to the first network*, said information

including graphical and/or textual information; (b) *dynamically* obtaining information from the interface device about the second devices connected to the second network *upon connection to the second network*, said information including graphical and/or textual information; (c) *dynamically* generating a user interface description from the obtained information.”

In summary, both Yang and Saito teach downloading a single set of information, storing the same set of information in a PC or a controller, i.e., in a place other than the individual appliances, and later accessing the same set of information stored in the PC or the controller. There is no need in Saito and Yang to further “access the associated information stored in said corresponding device” after “obtaining information” as claimed, as all the information needed in Yang and Saito is downloaded and stored. It is noted however that such downloaded information may not be up to date, nor is there a requirement by Saito or Yang for such downloaded information to be up to date.

Even if Yang is combined with Saito, the resulting invention would fail to teach or suggest the limitations contained in Applicant’s amended claims 1, 11 and 21. Further, the assertions made in the Office Action on page 7 that lead to a conclusion of obviousness are not explicit and the basic requirements of an articulated rationale under MPEP 2143 cannot be found. Additionally, since neither Yang, Saito, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claims 1, 11 and 21, as listed above, Applicant's amended claims 1, 11 and 21 are not obvious over Yang in view of Saito since a *prima facie* case of obviousness has not been met under MPEP §2142. Additionally, the

claims that directly or indirectly depend from amended claims 1, 11 and 21, namely claims 2-10, 12-20 and 22-27, respectively, would also not be obvious over Yang in view of Saito for the same reason.

Accordingly, withdrawal of the rejection of claims 1-27 is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the rejection of the claims should be withdrawn, and all of the claims be allowed. Accordingly, reexamination, reconsideration and allowance of all the claims are respectfully requested. If the Examiner feels that a telephone interview would be helpful to the further prosecution of this case, Applicants respectfully request that the undersigned attorney be contacted at the listed telephone number.

Please direct all correspondence to **Myers, Dawes Andras & Sherman, LLP**, 19900 MacArthur Blvd., 11th Floor, Irvine, California 92612.

Attachments: Terminal Disclaimer.

Respectfully submitted,

/MZ/

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